

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN V. BYNG

Plaintiff,

-v.-

Civil Action No.
9:07-cv-471 (GLS/DRH)

JAMES L. CAMPBELL; ALBANY COUNTY
SHERIFF'S DEPARTMENT; CORRECTIONAL
MEDICAL SERVICES, INC.; DR. ROBNOWITZ;
DR. SALZMAN; RICH, R.N.; DEBBIE, R.N.;
GLORIA COOPER; D. DELONG; M. ROSE;
and JILL HARRINGTON

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

KEVIN BYNG
Plaintiff, *Pro Se*
Fishkill Correctional Facility
P.O. Box 1245
Beacon, New York 12508

FOR ALBANY COUNTY DEFENDANTS:

ROCHE, CORRIGAN LAW FIRM
36 South Pearl Street
Albany, New York 12207

ROBERT P. ROCHE, ESQ.

**FOR DEFENDANT CORRECTIONAL
MEDICAL SERVICES, INC.**

THUILLEZ, FORD LAW FIRM
20 Corporate Woods Boulevard
6th Floor
Albany, New York 12211

KAREN A. BUTLER, ESQ.
KELLY M. MONROE, ESQ.
WILLIAM C. FIRTH, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed December 16, 2008. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed December 16, 2008 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that defendants' motion to dismiss (Dkt. No. 67) is DENIED as moot, and it is further

ORDERED, that the Clerk serve a copy of this order upon all parties by regular mail.

IT IS SO ORDERED

Dated: January 21, 2009
Albany, New York

Gary L. Sharpe
Gary L. Sharpe
U.S. District Judge